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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KENNETH J. SCHIRO,

Case No. 3:17-cv-00625-RCJ-VPC

Petitioner,

ORDER

v.

RENEE BAKER,

Respondents.

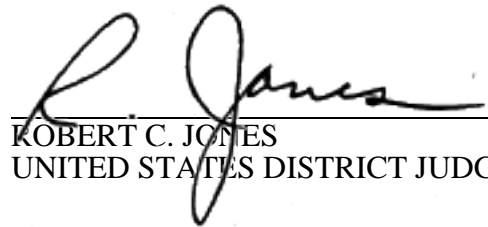
On November 6, 2018, this court dismissed Kenneth J. Schiro's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 with prejudice as untimely (ECF No. 7). The court denied a certificate of appealability. *Id.* Judgment was entered (ECF No. 9). Schiro filed a notice of appeal (ECF No. 10). He also filed several motions in this court that appear to have been intended for the Ninth Circuit: a motion for a certificate of appealability from the appeals court, and motions related to his *in forma pauperis* status on appeal (ECF Nos. 12, 15, 17). Schiro also filed a motion that he styled as a motion to show actual innocence (ECF No. 13) that merely re-argues the statute of limitations issue and does not mention actual innocence at all (ECF No. 13). In any event, the Ninth Circuit denied Schiro a certificate of appealability on April 2, 2019 and denied all pending motions as moot (ECF No. 18). Thus, to the extent that this court has jurisdiction to consider any of these motions, they are denied as moot.

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IT IS THEREFORE ORDERED that the following motions filed by petitioner: motion for certificate of appealability (ECF No. 12), motion for equitable tolling/show cause, actual innocence (ECF No. 13), motion for extension of time related to filing fee (ECF No. 15), and motion to augment in forma pauperis application (ECF No. 17) are all **DENIED** as moot.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

DATED: 21 May 2019



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE